

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BROOKE M. SEVIER,

Plaintiff,

v.

CHRIS SEVIER,

Defendant.

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**No. 3:11-00425
JUDGE HAYNES**

ORDER

Plaintiff, Brooke M. Sevier, originally filed this action in the Circuit Court of Davidson County, Tennessee against the Defendant, Mark C. Sevier. Plaintiff's claim is for a Legal Separation that she subsequently amended to seek a Divorce or Legal Separation. Defendant previously removed the action to this Court under 28 U.S.C. § 1441(b), citing 28 U.S.C. § 1332, the diversity jurisdiction statute, for this Court's jurisdiction in Case No. 3:11-00247. The Court dismissed that action for lack of subject matter jurisdiction due to the domestic relations exception to federal diversity jurisdiction, citing Powell v. Powell, 2010 WL 3447797, at *2 (E.D. Tenn. 2010) (citing McLaughlin v. Cotner, 193 F.3d 410 (6th Cir. 1999)) ("The United States Supreme Court has recognized that diversity jurisdiction does not exist for domestic relations cases involving divorce, alimony, and child custody matters.").

In his new notice of removal, the Defendant now asserts federal question jurisdiction. Defendant's notice of removal is merely an attempt to circumvent the Court's prior Order dismissing Case No. 3:11-00247. (Docket Entry No. 9). It has long been settled that domestic relations matters should be resolved in state court, no matter how acrimonious. Accordingly, this action is **REMANDED** to the Circuit Court of Davidson County. The Defendant is warned that if he persists in attempting to remove a domestic relations action to this Court, he will be subject


to all sanctions permitted by law.

Defendant's motions (Docket Entry Nos. 2, 3, 4, 6, and 8) are **DENIED as moot**.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 6th day of May, 2011.



WILLIAM J. HAYNES, JR.
United States District Judge